

Report Date: April 6, 2016

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

APR - 7 2016

GEAN F. McAVOY, CLERK  
DEPUTY  
YAKIMA, WASHINGTON

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Edward Charles Martinez

Case Number: 0980 2:07CR02066-LRS-3 &  
0980 1:14CR02017-LRS-1

Address of Offender: [REDACTED] Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: October 14, 2008

Original Offense: Conspiracy to Distribute a Controlled Substance, 21 U.S.C. § 846

Original Sentence: Prison 63 months; TSR - 48 months      Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: September 17, 2015

Defense Attorney: Alison K. Guernsey

Date Supervision Expires: August 16, 2018

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 PETITIONING THE COURT

To issue a summons.

The probation officer believes the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b><u>Standard Condition # 1:</u></b> The defendant shall not leave the judicial district without the permission of the court or probation officer.</p> <p><b><u>Supporting Evidence:</u></b> On March 15, 2016, Mr. Martinez was contacted at 28007 105<sup>th</sup> Avenue South East, Auburn, Washington. Mr. Martinez admitted on March 24, 2016, he had traveled outside the Eastern District of Washington without prior approval.</p>
2	<p><b><u>Standard Condition # 11:</u></b> The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.</p> <p><b><u>Supporting Evidence:</u></b> On March 15, 2016, Mr. Martinez was contacted by law enforcement at 28007 105<sup>th</sup> Avenue South East, Auburn, Washington. He did not disclose this contact until March 24, 2016.</p>
3	<p><b><u>Standard Condition # 9:</u></b> The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.</p>

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**Supporting Evidence:** The residence located at 28007 105<sup>th</sup> Avenue South East, Auburn, Washington, belongs to Cody Mitchell Higginbotham. Mr. Higginbotham was Mr. Martinez' co-defendant in his federal matter filed in Seattle, Washington, under docket number 2:07CR00025-JLR-2. Mr. Higginbotham is a convicted felon and was convicted under the above-noted docket number. Mr. Martinez admitted to this officer on March 24, 2016, that Mr. Higginbotham was his co-defendant in the Seattle case and he knew Mr. Higginbotham was a convicted felon.

Additionally, while at Mr. Higginbotham's home on March 15, 2016, local law enforcement served a search warrant and discovered a large marijuana grow, about 27 pounds of packaged marijuana and about \$37,000 in cash. Mr. Martinez was found inside the residence where the contraband was located.

- 4      **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** On March 24, 2016, I asked Mr. Martinez about his contact with law enforcement on March 15, 2016. He stated, a police officer had contacted him at the above-noted address because the officer was looking for someone at the address and noted "they had the wrong address."

On March 29, 2016, this officer spoke with a law enforcement officer, who advised agents from their local task force were serving a search warrant at the address. Upon entry into the home, officers located Mr. Martinez, Mr. Higginbotham, and a third male. They seized a large marijuana grow, about 27 pounds of processed marijuana and about \$37,000 in cash. The officer advised he spoke at length with Mr. Martinez who stated he was currently on federal supervision, had been at the residence since the previous Friday, and was hanging out with Mr. Higginbotham and the other male. He also indicated he knew about the marijuana grow and had made several comments to the effect of, "It's only weed, it's not dope to the officers."

- 5      **Standard Condition # 9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

**Supporting Evidence:** On March 29, 2016, this officer learned law enforcement officers had also contacted Stephen Christopher at Mr. Higginbotham's residence on March 15, 2016. Mr. Christopher had flown from Wisconsin, rented a vehicle, and was at the home during the service of the search warrant. Mr. Christopher was convicted of being a felon in possession of a firearm and ammunition in the Western District of Wisconsin.

On April 4, 2016, Mr. Martinez stated Mr. Christopher was from Chicago, Illinois, and was visiting Mr. Higginbotham when Mr. Martinez happened to be at the home. Additionally, Mr. Martinez advised he and Mr. Christopher were in custody together in Indiana. He confirmed he knows Mr. Christopher is a convicted felon.

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The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 6, 2016

s/Stephen Krous

Stephen Krous  
U.S. Probation Officer

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### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

4/7/16  
\_\_\_\_\_  
Date